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ORDINANCE NO. 84 - 7

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 76-9, AS AMENDED, KNOWN AS THE "PALM BEACH COUNTY PARK AND RECREATION ORDINANCE", BY ABOLISHING SECTION 29, "ALCOHOLIC BEVERAGES" AND ENACTING A NEW SECTION 29 "ALCOHOLIC BEVERAGES"; PROVIDING FOR THE PROHIBITION OF THE SALE, PURCHASE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES IN ALL PALM BEACH COUNTY PARKS; PROVIDING FOR THE POSSESSION OF SEALED, ORIGINAL CONTAINERS OF ALCOHOLIC BEVERAGES NOT-FOR-SALE OR CONSUMPTION; PROVIDING FOR THE ESTABLISHING OF AREAS IN WHICH ALCOHOL MAY BE POSSESSED OR CONSUMED; PROVIDING A PROCEDURE WHEREBY ALCOHOL MAY BE SOLD, POSSESSED, OR CONSUMED INCIDENTAL TO SPECIAL EVENTS; PROVIDING A PROCEDURE FOR PERMITTING THE SALE OF ALCOHOLIC BEVERAGES BY PRIVATE ENTREPRENEURS; PROVIDING FOR THE COUNTY'S OBTAINING BEVERAGE LICENSES; PROVIDING FOR THE APPLICABILITY OF ALL LAWS, ORDINANCES, RULES, AND REGULATIONS; PROVIDING FOR ESTABLISHING CONDITIONS FOR CONSENTS GRANTED; PROVIDING AN AREA OF EFFECTIVENESS; PROVIDING THAT CAPTIONS ARE FOR CONVENIENCE ONLY; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE.

SECTION 1. Section 29, "Alcoholic Beverages", of Ordinance No. 76-9, as amended, is hereby abolished, as follows:

~~The possession, sale or drinking of alcoholic beverages in any County park shall be subject to the following restrictions:~~

~~(A)--Alcohol may be brought to and consumed at social gatherings or picnics in the County designated picnic areas only.~~

~~(B)--Alcohol may be consumed on board boats using the marina area and in cabanas.~~

~~(C)--No alcoholic beverages may be sold commercially in County parks.--Social groups which hold occasional picnics at County parks and which sell picnic meals to members, which meals may include an alcoholic beverage, shall be deemed to be not in violation of this section.~~

~~(D)--Possession, sale or drinking of alcohol in County parks not in conformity with the restrictions of paragraphs A, B, or C is prohibited.~~

1 SECTION 2.

2 A new Section 29, "Alcoholic Beverages" is hereby enacted, as follows:

3 SECTION 29. ALCOHOLIC BEVERAGES

4 A. Alcohol Prohibited

5 The sale, purchase, consumption, and possession of alcoholic beverages as
6 defined in Florida Statutes, Section 561.01 (4) is hereby prohibited
7 in all Palm Beach County Parks, except as specifically provided in
8 accordance with the provisions set forth herein.

9 B. Sealed Original Containers

10 Notwithstanding the prohibition set forth in Section A hereof, the
11 possession of alcoholic beverages in sealed, original packages in any
12 vehicle, vessel, or conveyance for purposes of storing or transporting
13 such and not for purposes of selling or consuming such in a Palm Beach
14 County park shall not be violative of Section A, hereof.

15 C. Designated Areas

16 The Director of Parks and Recreation may designate specific areas in
17 which alcoholic beverages may be possessed and/or consumed. Said areas
18 may include, but are not exclusive to, family picnicking areas, areas
19 reserved for large group picnics, and facilities for food service. In
20 determining whether an area should be designated for the consumption of
21 alcoholic beverages, or whether such a designation should remain, the
22 Director of Parks and Recreation may consider, among other factors, the
23 general use of the area under consideration and nearby areas, the hours
24 during which the park area is open, the conduct of persons utilizing the
25 area so designated or under consideration for designation, and nearby
26 areas, and the anticipated conduct of persons who are anticipated to use,
27 or are using, the area so designated or under consideration for
28 designation. The Board of County Commissioners may reverse or amend the
29 decision of the Director of Parks & Recreation, as it deems appropriate.

30 D. Director's Authority For Special Events

31 The Director of Parks and Recreation may permit, in writing, the sale,
32 possession, and/or consumption of alcoholic beverages incidental to a
33 special event. Said permission may not exceed two (2) days. In
34 determining whether the sale, possession, and/or consumption of alcoholic
35 beverages should be permitted, the Director of Parks and Recreation may

1 consider, among other factors, the nature of the event, the anticipated
2 number, age, and/or conduct of persons attending the event, the day(s)
3 and/or time(s) of the event, uses of areas near the special event, and
4 the anticipated impact the sale, possession, and/or consumption of
5 alcoholic beverages would have on the park, its uses, and the special
6 event. The Board of County Commissioners may reverse or amend the
7 decision of the Director of Parks and Recreation, as it deems
8 appropriate.

9 E. Board of County Commissioners Grants For Special Events

10 The Board of County Commissioners may permit, as it deems appropriate,
11 the sale, possession, and/or consumption of alcoholic beverages
12 incidental to a special event.

13 F. County Lessees.

14 The Board of County Commissioners may permit the sale of alcoholic
15 beverages by private entrepreneurs who develop and/or operate facilities
16 upon premises leased from the County within the County Park for food
17 service, performing arts, golf courses, and other facilities, as the
18 Board of County Commissioner deems appropriate. Such requests shall be
19 directed to the Board of County Commissioners for consideration on an
20 individual, case-by-case basis and approval may be granted, if at all,
21 only by resolution of the Board. The resolution shall set forth the type
22 of alcoholic beverages which may be sold, the area in which the sale may
23 occur, the area in which the alcoholic beverage may be possessed and
24 consumed, and the hours and days during which the sale, possession,
25 and/or consumption is permitted. The resolution may set forth other
26 terms and conditions as the Board of County Commissioners deems
27 appropriate. The Board of County Commissioners may, at its discretion,
28 revoke or condition said approval, either temporarily or permanently.

29 G. County Obtaining License

30 The County may, at its option, obtain in its name the necessary State
31 licensing for the sale of alcoholic beverages. The lessee for whose
32 benefit the license is held shall be responsible for all costs associated
33 with obtaining and renewing such license renewal. The County may, at its
34 option, have such license transferred to the lessee's name; provided,
35 however, that such licensing shall immediately revert to the County upon

1 termination, for any reason, of the lessee's lease with the County. The
2 license holder shall take all action and execute all documents necessary
3 to effect transfer to the County.

4 H. Laws, Ordinances, Rules, and Conditions

5 The permission granted under this ordinance shall be subject to all
6 ordinances, laws, rules, and regulations applicable in Palm Beach County,
7 and any grantee shall be responsible for ensuring compliance thereto.

8 The permission granted may also be subject to, and granted with,
9 specified conditions; and the grantee shall be responsible for ensuring
10 compliance thereto. Said conditions may include, but are not limited to,
11 restrictions as to: the type of alcoholic beverages sold, possessed,
12 and/or consumed; the type or size of containers; crowd size; other
13 activities; areas for sale, possession, or consumption; times and/or
14 days; and conduct of individuals bringing to the area alcoholic
15 beverages.

16 SECTION 3. Area of Effectiveness

17 This ordinance shall be effective in all Palm Beach County Parks in the
18 unincorporated and incorporated areas of Palm Beach County as provided by
19 the Florida Constitution and laws of Florida.

20 SECTION 4. Captions

21 Section headings herein are for convenience only and shall not be
22 construed as indicating legislative intent or giving meaning to the
23 provisions contained herein.

24 SECTION 5. Severability

25 If any section, subsection, clause or provision of this ordinance is held
26 invalid, the remainder of this ordinance shall not be affected by such
27 invalidity.

28 SECTION 6. Effective Date

29 The provisions of this ordinance shall become effective upon receipt from
30 the Florida Department of State of official acknowledgment that this
31 ordinance has been filed with the Department of State.

32 SECTION 7. Inclusion In Code

33 The provisions of this ordinance shall become and be made a part of the
34 Code of Laws and Ordinances of Palm Beach County, Florida. The sections
35 of this ordinance may be renumbered or relettered to accomplish such, and

1 the word "ordinance" may be changed to "section," "article," or other
2 appropriate word.

3 Passed and adopted by the Board of County Commissioners of Palm Beach
4 County, Florida on the 31st day of July, 1984.

5 PALM BEACH COUNTY, FLORIDA, BY ITS
6 BOARD OF COUNTY COMMISSIONERS

7 By ✓ Ken Spicini
8 Chairman

9 Acknowledged by the Department of State, State of Florida, on the 9th
10 day of August, 1984.

11 EFFECTIVE DATE: Acknowledgement from the Department of State, State of
12 Florida, was received on August 13, 1984, at 3:10 P.M. and
13 filed in the Office of the Clerk of the Board of County Commissioners of
14 Palm Beach County, Florida.

15 APPROVED AS TO FORM
16 AND LEGAL SUFFICIENCY

17 R.W. C. 10
18 County Attorney